

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
MONTANA STATE AUDITOR**

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IN THE MATTER OF:	)	CASE NO. INS-2013-61
	)	
TOBY HANSEN, IN HIS CAPACITY AS	)	<b>CONSENT AGREEMENT AND</b>
INSURANCE PRODUCER, LICENSE	)	<b>FINAL ORDER</b>
#22507,	)	
	)	
Respondent.	)	
	)	
	)	

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This Consent Agreement (Agreement) and Final Order (Order) are entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101 et seq. (Code), and Toby Hansen (Respondent).

**RECITALS**

WHEREAS, the CSI alleged that Respondent informed a consumer she had been placed with an insurance company and accepted payment which was represented as premium;

WHEREAS, the CSI alleged that Respondent placed the payment into a trust account;

WHEREAS, the CSI alleged that Respondent never placed insurance coverage for the consumer and the payment remained in the trust account, unused by the Respondent;

WHEREAS, the CSI alleged that only after several months of going without coverage, Respondent returned the payment to the consumer;

WHEREAS, the CSI alleged Respondent violated §§ 33-1-1202, 33-17-1001, and 33-17-1102 by informing the consumer she was covered and accepting payment when the coverage did not exist;

WHEREAS, the CSI and Respondent agree that the best interests of the public would be served by entering into this Agreement;

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and Respondent hereby agree to settle this matter pursuant to the following terms and conditions:

#### **STIPULATIONS AND CONSENTS**

1. Without admitting or denying any of the CSI's allegations, Respondent stipulates and consents to the following:

A. Respondent shall pay a \$15,000 fine, with all but \$3,986 suspended.

Respondent shall pay the \$3,986 fine within one year upon execution of this Agreement.

The fine must be made payable to the State of Montana and sent to the Office of the Commissioner of Securities and Insurance, Montana State Auditor, c/o Legal Bureau, 840 Helena Avenue, Helena, MT 59601. The CSI reserves the right to seek the suspended fine if it determines that the Respondent has engaged in additional violations of the Code.

B. Respondent shall pay \$1,014 to K.F. on or before January 31, 2014.

Respondent has agreed to pay this amount, which reflects K.F.'s annual insurance premium. Respondent shall provide proof of payment to the CSI.

C. Respondent's insurance license, #22507, will be placed on probation for a period of 24 months from the date of execution of this Agreement;

D. Respondent shall notify the CSI's licensing bureau within 15 days of any change in employment, home address, or name;

E. During the probationary period, Respondent shall complete approved insurance producer continuing education courses and meet the continuing education requirements for insurance producers. Upon execution of this Agreement, Respondent shall complete ten continuing education credits on the subject of ethics over the course of two years, six of which shall be obtained in the first year. This is in addition to Respondent's statutory duties regarding continuing education. Within two weeks of attending a continuing education course, Respondent shall submit a copy of the course completion certificate to the CSI;

F. At the discretion of the CSI, Respondent shall be subject to examination by the CSI at his place of business at any time;

G. Respondent shall thoroughly read, remain familiar with, and obey all laws and rules pertaining to the conduct of insurance producers in Montana.

H. Within six months upon execution of this Agreement, Respondent shall engage a consultant to review recordkeeping and premium handling procedures. Respondent shall submit a written report of the consultant's findings to the CSI.

2. All parties to this Agreement stipulate and agree as follows:

A. The Respondent acknowledges he has read and understands each term of this Agreement and that he enters into this Agreement voluntarily and without reservation.

B. The Respondent and the CSI agree that this Agreement resolves the alleged violations set forth in the Recitals.

C. With respect to the Recitals, the Respondent specifically and affirmatively waives a contested case hearing and his right to appeal under the Montana Administrative Procedure Act, including Title 2, chapter 4, part 7, and elects to resolve this matter on the terms and conditions set forth therein.

D. The Respondent fully and forever releases and discharges the CSI from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the Recitals.

E. This Agreement is entered without adjudication of any issue, law, or fact. It is entered solely for the purpose of resolving the CSI's investigation and allegation and is not intended to be used for any other purpose.

F. This Agreement constitutes the entire agreement between the parties and no other promises or agreements, either express or implied, have been made by the CSI or by any member, officer, agent, or representative of the CSI to induce the Respondent to enter into this Agreement.

G. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon in writing to be effective.

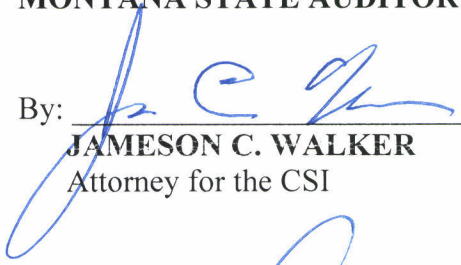
H. This Agreement shall be incorporated into and made part of the attached Final Order issued by the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), herein.

I. This Agreement shall be effective upon signing of the Final Order.

J. This Agreement and Final Order are public records under Montana law  
and as such may not be sealed or otherwise withheld from the public.

DATED this 16<sup>th</sup> day of January, 2013

**OFFICE OF THE COMMISSIONER OF  
SECURITIES AND INSURANCE  
MONTANA STATE AUDITOR**

By:   
**JAMESON C. WALKER**  
Attorney for the CSI

DATED this 10<sup>th</sup> day of January, 2013

By:   
**TOBY HANSEN**

**FINAL ORDER**

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and § 33-1-101 et seq.,  
and upon review of the foregoing Consent Agreement, and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and  
Respondent Toby Hansen is adopted as if set forth fully herein.

DATED this 16<sup>th</sup> day of January, 2013.

**MONICA J. LINDEEN**  
Commissioner of Securities and Insurance  
Montana State Auditor

By: \_\_\_\_\_

**ADAM SCHAFFER**

Deputy Commissioner of Securities and Insurance

cc: Jameson C. Walker  
Toby Hansen